

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22032 of 2004

Between:

Mir Ashar Ali S/o.Late Mir Momin Ali
R/o.22-3-370, Mir Alam Mandi, Hyderabad. **PETITIONER**

AND

- 1 The Joint Collector, R.R.District at Lakidikapool, Hyderabad.
- 2 M/s Bhavan Rishi Cooperative House Building Society Ltd., H.No.1-8-52/5, Sri Rama Complex 2nd Floor Chikkadpally, Hyderabad rep by its President P.V.Ramanaiah.
- 3 Donkena Bhaskar S/o.Late D.Jangaiah
R/oVillage Dammaiguda, Keesara Mandal R.R.District
- 4 Smt.Donkena Rama Devi D/o. Late Jangaiah
R/o. Village Dammaiguda, Keesara Mandal R.R.District
- 5 Smt.Donkena Sakku Bai D/o. Late Jangaiah
R/o. Village Dammaiguda, Keesara Mandal R.R.District
- 6 Smt.Donkena Savithir D/o. Late Jangaiah
R/o. Village Dammaiguda, Keesara Mandal R.R.District
- 7 Donkena Giridhar D/o. Late Jangaiah
R/o. Village Dammaiguda, Keesara Mandal R.R.District
- 8 Donkena Hemavathi D/o. Late Jangaiah
R/o. Village Dammaiguda, Keesara Mandal R.R.District
- 9 Donkena Damodhar D/o. Late Jangaiah
R/o.Village Dammaiguda, Keesara Mandal R.R.District
- 10 Donkena Pawan D/o. Late Jangaiah
R/o. Village Dammaiguda, Keesara Mandal R.R.District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring that the action of Resp.No.1 in not considering my application to re-open the case in file No.F2/6150/2003 as arbitrary and illegal and consequently direct the Resp.No.1 to consider my application dated 10/11/2003

and re-open the case for arguments.

Counsel for the Petitioner:MR.VIJAY B.PAROPAKARI

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner in the present writ petition, assails the action of the first respondent in not considering his application to reopen the case in file No.F2/6150/2003.

It is stated in the affidavit filed in support of the writ petition that respondents 3 to 10 had filed an application under section 40 of the A.P.(T.A) Tenancy and Agricultural Lands Act, 1950 (for short the Act) for grant of succession certificate and the same was allowed by the Mandal Revenue Officer granting succession in favour of respondents 3 to 10 in respect of land bearing Sy Nos. 154 to 158 admeasuring Ac.30-32 guntas, Khapra village, Keesara Mandal, Ranga Reddy district in file No. B/2335/2002 dt 30-6-2003. The second respondent herein said to have filed an appeal against the above order under section 91 of the Act, and the same is stated to have been reserved for orders. The grievance of the petitioner is that he has filed an application on 10-11-2004 to reopen the appeal and to hear the matter, but no orders are passed on the said application. Hence, the writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

Admittedly the application filed by the petitioner to reopen the matter is pending and no orders were granted thereon. The petitioner herein has filed the present application under apprehension. The petitioner cannot presume that his request would be rejected and adverse orders would be passed in the said application. Merely on presumption, this Court cannot interfere with the matter. The learned counsel for the petitioner submitted that he wants to file written arguments. He is at liberty to do so. If the authority has not passed final order in the appeal, which it had reserved for orders, it shall consider the written arguments that may be filed by the petitioner.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to challenge the adverse orders, if any passed before the appropriate forum. No costs.

_____ N.V.RAMANA,J
1-12-2004

To

- 1 The Joint Collector, R.R.District at Lakidikapool, Hyderabad.**
2. 2CCs to G.P.for Revenue, A.P.High Court Buildings (OUT).

2.2CD copies

Form-NIC-OGS/WP{SPJS}

Note: CC in 2 days.

B/o.

THE HON'BLE MR JUSTICE N.V. RAMANA

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